

112TH CONGRESS
1ST SESSION

H. R. 665

To establish a pilot program for the expedited disposal of Federal real property.

IN THE HOUSE OF REPRESENTATIVES

FEBRUARY 11, 2011

Mr. CHAFFETZ (for himself, Ms. FOXX, Mr. JONES, Mr. BRADY of Texas, Mr. HUELSKAMP, Mr. WOMACK, Mr. CAMPBELL, Mr. GINGREY of Georgia, Mr. FLAKE, Mr. CRAWFORD, Mr. PRICE of Georgia, Mr. BISHOP of Utah, Mr. LAMBORN, Mr. ISSA, Mr. FLEMING, Mr. HERGER, Mr. WILSON of South Carolina, Mr. ROE of Tennessee, Mr. KLINE, Mrs. BLACKBURN, Mr. MARCHANT, Mr. FLORES, and Mr. BURTON of Indiana) introduced the following bill; which was referred to the Committee on Oversight and Government Reform

A BILL

To establish a pilot program for the expedited disposal of Federal real property.

1 *Be it enacted by the Senate and House of Representa-*
2 *tives of the United States of America in Congress assembled,*

3 **SECTION 1. SHORT TITLE.**

4 This Act may be cited as the “Excess Federal Build-
5 ing and Property Disposal Act of 2011”.

1 **SEC. 2. FEDERAL REAL PROPERTY DISPOSAL PILOT PRO-**
2 **GRAM.**

3 (a) IN GENERAL.—Chapter 5 of subtitle I of title 40,
4 United States Code, is amended by adding at the end the
5 following:

6 “SUBCHAPTER VII—EXPEDITED DISPOSAL OF
7 REAL PROPERTY

8 “§ 621. Pilot program

9 “(a) IN GENERAL.—The Director of the Office of
10 Management and Budget (in this subchapter referred to
11 as the ‘Director’) shall conduct a pilot program, to be
12 known as the ‘Federal Real Property Disposal Pilot Pro-
13 gram’, under which real property that is not meeting Fed-
14 eral Government needs may be disposed of in accordance
15 with this subchapter.

16 “(b) CRITERIA FOR PILOT PROGRAM.—For purposes
17 of this subchapter, the Director shall identify criteria for
18 determining whether real property is not meeting Federal
19 Government needs.

20 “(c) DISPOSAL.—During the period beginning Octo-
21 ber 1, 2011, and ending September 30, 2020, the Director
22 shall dispose of real property sufficient to generate pro-
23 ceeds of not less than \$19,000,000,000 under the Federal
24 Real Property Disposal Pilot Program.

25 “(d) EXCEPTION.—The Director shall not include for
26 purposes of the Federal Real Property Pilot Program any

1 parcel of real property, building, or other structure located
2 on such real property that is to be closed or realigned
3 under the Defense Base Closure and Realignment Act of
4 1990 (10 U.S.C. 2687 note).

5 “(e) TERMINATION.—The Federal Real Property
6 Disposal Pilot Program shall terminate on September 30,
7 2020.

8 **“§ 622. Selection of real properties**

9 “Agencies will recommend candidate disposition
10 properties to the Director for participation in the pilot
11 program. The Director, with the concurrence of the head
12 of the executive agency concerned and consistent with the
13 criteria established in section 621, may then select such
14 candidate properties for participation in the pilot program
15 and notify the recommending agency accordingly.

16 **“§ 623. Expedited disposal requirements**

17 “(a) EXPEDITED DISPOSAL OF A REAL PROPERTY
18 DEFINED.—For purposes of the pilot program, an ‘expe-
19 dited disposal of a real property’ is a sale of real property
20 for cash that is conducted pursuant to the requirements
21 of section 545 of this title.

22 “(b) FAIR MARKET VALUE REQUIREMENT.—Real
23 property sold under the pilot program must be sold at not
24 less than the fair market value as determined by the Di-
25 rector in consultation with the head of the executive agen-

1 cy. Costs associated with disposal may not exceed the fair
2 market value of the property unless the Director approves
3 incurring such costs.

4 “(c) MONETARY PROCEEDS REQUIREMENT.—A real
5 property may be sold under the pilot program only if the
6 property will generate monetary proceeds to the Federal
7 Government, as provided in subsection (b). A disposal of
8 real property under the pilot program may not include any
9 exchange, trade, transfer, acquisition of like-kind prop-
10 erty, or other non-cash transaction as part of the disposal.

11 “(d) RULE OF CONSTRUCTION.—Nothing in this sub-
12 chapter shall be construed as terminating or in any way
13 limiting authorities that are otherwise available to agen-
14 cies under other provisions of law to dispose of Federal
15 real property, except as provided in subsection (e).

16 “(e) EXEMPTION FROM CERTAIN REQUIREMENTS.—
17 Any expedited disposal of a real property conducted under
18 this section shall not be subject to—

19 “(1) subchapter IV of this chapter;

20 “(2) sections 550 and 553 of this title;

21 “(3) section 501 of the McKinney-Vento Home-
22 less Assistance Act (42 U.S.C. 11411);

23 “(4) any other provision of law authorizing the
24 no-cost conveyance of real property owned by the
25 Federal Government; or

1 “(5) any congressional notification requirement
2 other than that in section 545 of this title.

3 **“§ 624. Special rules for deposit and use of proceeds**
4 **from expedited disposals**

5 “(a) REIMBURSEMENT.—Agencies that conduct expe-
6 dited disposals of real properties under this subchapter
7 shall be reimbursed from the proceeds for the administra-
8 tive expenses associated with the disposal of such prop-
9 erties. Such amounts will be credited as offsetting collec-
10 tions to the account that incurred such expenses, to re-
11 main available until expended without further appropria-
12 tions.

13 “(b) DISTRIBUTION OF PROCEEDS.—After payment
14 of such administrative costs, the balance of the proceeds
15 shall be distributed as follows:

16 “(1) Eighty percent shall be deposited into the
17 Treasury as miscellaneous receipts.

18 “(2) Twenty percent shall be deposited into the
19 account of the agency that owned the real property
20 and initiated the disposal action. Such funds shall be
21 available without further appropriation, to remain
22 available for the period of the pilot program, for ac-
23 tivities related to Federal real property capital im-
24 provements and disposal activities. Upon termination

1 of the pilot program, any unobligated amounts shall
2 be transferred to the general fund of the Treasury.”.

3 (b) CLERICAL AMENDMENT.—The table of sections
4 at the beginning of chapter 5 of subtitle I of title 40,
5 United States Code, is amended by inserting after the
6 item relating to section 611 the following:

“SUBCHAPTER VII—EXPEDITED DISPOSAL OF REAL PROPERTY

“Sec. 621. Pilot program.

“Sec. 622. Selection of real properties.

“Sec. 623. Expedited disposal requirements.

“Sec. 624. Special rules for deposit and use of proceeds from expedited disposals.”.

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